

## **REMARKS**

The Office Action dated May 4, 2005, rejected claims 21-55 based on the judicially-created (nonstatutory) doctrine of obviousness-type double patenting over claims 1-26 of U.S. Patent No. 6,642,060. The Office Action indicated that a timely-filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome a rejection based on a nonstatutory double patent ground provided the conflicting application or patent is shown to be commonly owned with this application.

In order to expedite the allowance and issuance of the present application, Applicants are submitting herewith a Terminal Disclaimer for the present application with respect to U.S. Patent No. 6,642,060. Applicants' submission does not constitute an admission as to the accuracy or effect of the obviousness-type double patenting rejections.

U.S. Patent No. 6,642,060 and the present application are jointly owned by S.S.C.I., Inc. and Purdue Research Foundation. The assignment of the application that issued as U.S. Patent No. 6,642,060 by the inventors to the assignees is recorded with the USPTO at Reel 012587, Frame 0112. The same assignment conveys ownership of the present application, since it is a continuation of the application that issued as U.S. Patent No. 6,642,060.

The Terminal Disclaimer is signed by Bruce L. Pershing, who is the Investment Officer and Corporate Secretary of assignee Purdue Research Foundation, and by Richard R. Ferguson, who is the Chief Financial Officer of assignee S.S.C.I., Inc.

The Terminal Disclaimer does not prevent either of Purdue Research Foundation or S.S.C.I., Inc. and their successors or assigns from transferring to another party its

ownership of the present application (and any patent issuing from this application) simultaneously and together with its ownership of U.S. Patent No. 6,642,060.

Please charge \$130.00 to Deposit Account No. 13-0017 to cover the fee for submitting the Terminal Disclaimer.

In view of the foregoing remarks, applicants submit that claims 21-55 are allowable. The Examiner is invited to telephone the applicants' undersigned attorney at (312) 775-8202 if any unresolved matters remain.

Respectfully submitted,

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By:



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